

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BONNIE BRUNNER and
DAVID BRUNNER,

Plaintiffs,

vs.

Case No. 24-C-719

CLASSIC HOMES BY KUBA, LTD,
BRENDA M. KUBASTA, and
JAMES F. KUBASTA

Defendants.

**ORDER GRANTING TEMPORARY INJUNCTION AS TO JAMES F. KUBASTA AND
CLASSIC HOMES BY KUBA, LTD**

Plaintiffs, Bonnie and David Brunner, by their attorneys, and the Defendants, James F. Kubasta (“Jim”) and Classic Homes by Kuba, LTD (“Classic Homes”), by their attorneys, have stipulated and agreed (the “Stipulation,” filed on August 7, 2024) the entry of a temporary injunction as to Jim and Classic Homes. Pursuant to that Stipulation:

**IT IS HEREBY ORDERED AND BY AGREEMENT OF THE PARTIES THE
COURT FINDS:**

1. Plaintiffs filed a complaint on June 7, 2024, asserting several causes of action based in theft, unlawful transfers, and other causes of action. Dkt. No. 1.
2. On June 12, 2024, Plaintiffs filed a motion for Ex Parte Temporary Restraining Order requesting all Defendants—Jim, Classic Homes, and Brenda M. McCarty-Kubasta¹ (“Brenda”) (collectively, “Defendants”), be prohibited from any further disposition of any

¹ The Court notes that Ms. McCarty-Kubasta’s name was changed during her divorce proceedings. In previous filings, her list name was provided as Brenda M. Kubasta.

- funds that Defendants received from Plaintiffs and from transferring any other of Defendants' assets or property. Dkt. No. 6.
3. On June 14, 2024, the Court granted Plaintiffs' request for an Ex Parte Temporary Restraining order. Dkt. No. 10.
 4. A hearing was conducted on June 25, 2024, extending and amending the Temporary Restraining Order until July 1, 2024. Dkt. No. 17.
 5. The Court conducted a status conference on July 1, 2024, and extended the Temporary Restraining Order until July 18, 2024. Dkt. No. 20.
 6. On July 16, 2024, Jim and Classic Homes requested enlargement of time for the motion hearing on Plaintiffs' Motion for Preliminary Injunction scheduled for July 18, 2024. Dkt. No. 30.
 7. Counsel for all parties appeared before the Court on July 17, 2024, for a telephone status conference regarding the motion to enlarge.
 8. The motion to enlarge was granted and the July 17, 2024, hearing was rescheduled for August 8, 2024.
 9. Plaintiffs and Defendants stipulated and agreed to an amendment of the temporary restraining order that permits Defendants to exchange between themselves, arrange for and/or otherwise seek the division or transfer of marital assets in the state court divorce proceeding: In re the Marriage of Brenda M. Kubasta and James F. Kubasta, Winnebago County Case No. 2024-FA-169. Dkt. No. 36-1.
 10. The stipulation amending the temporary restraining order was approved by the Court on July 19, 2024. Dkt. No. 37.

11. Defendants Jim and Classic Homes can utilize funds from any bank account that Jim is a signor and/or has deposit or withdrawal authority as to conduct business in operating as a general contractor. However, such use is limited to amounts up to \$1,000.00 and any funds required in excess of that amount need to be approved by further order of this Court.
12. Defendants Jim and Classic Homes, as well as Properties by Kuba, LLC, may arrange for the sale² of assets at fair market or otherwise reasonable value. Any such proceeds shall then be placed in escrow with distribution subject to further order of this Court.
13. Any payments made to Defendants Jim or Classic Homes, and/or Properties by Kuba, LLC, shall be held in escrow pending final resolution of this matter or further order of this Court pursuant to paragraphs 11 and 12 of this Order or any further court order entered related to this Order.
14. Jim and/or Classic Homes is permitted to wind down his business by completing any work in progress. Payments made in furtherance of completing work in progress/winding down may be made up to \$1,000.00 and any funds required in excess of that amount need to be approved by further order of this Court authorizing the same.

SO ORDERED at Green Bay, Wisconsin this 7th day of August, 2024.

s/ William C. Griesbach

William C. Griesbach
United States District Judge

² As used in this paragraph of this Stipulation, “sale” shall be interpreted broadly to include any sale, a transfer, to encumber, loan, pledge, and/or donate/gift any assets.